

11. Performance Guarantees

(See zoning ordinance [§ 78-204](#), Performance Guarantees)

The Town of Herndon Zoning Ordinance User Guide series provides the public with general information on land use regulations affecting activities undertaken by the public and administered by the Herndon Department of Community Development. It is not intended to be a complete statement of all applicable regulations. Individuals are encouraged to contact the Department of Community Development at 703-787-7380 for complete permitting requirements.

What are Performance Guarantees?

Performance Guarantees are a form of financial security provided to the Town of Herndon to ensure that the public and private improvements shown on a development plan are completed.

What development projects require a Performance Guarantee?

Any new development project that requires the installation of public and private improvements will require the submission of a Performance Guarantee. This includes both commercial and residential projects.

What are public improvements?

Public improvements are shared elements of a development plan, such as streets, sidewalks, parking lots, lighting, waterlines, sewer lines, fire hydrants, etc.

What improvements are considered private improvements?

Private improvements are on-site improvements such as landscaping, conserved trees, and erosion and sedimentation control measures. The guarantee for private improvements also provides protection against any damage to existing utilities.

Who is responsible for providing the Performance Guarantees?

The owner or developer of a project must post the performance guarantee. The owner or developer may be:

- ☐ An individual
- ☐ A Corporation
- ☐ A General Partnership
- ☐ A Limited Partnership
- ☐ A Limited Liability Company

What is involved in providing performance guarantees?

The owner or developer is required to sign a contract and an agreement with the town. The owner or developer must specify a date when the improvements will be completed. In addition, the owner or developer is required to provide a form of financial payment equivalent to the cost of installing the improvements prior to the final administrative approval of any site plan or single lot development plan by the Zoning Administrator, or prior to the recordation of any final subdivision plat.

What are the acceptable forms of financial security?

Sections [78-204.1\(c\)](#) and [78-204.2](#) of the zoning ordinance specify the various methods of posting the financial security. There are regulations that apply to each form of financial security that may affect the decision on which type of payment to use.

Are any additional fees associated with posting Performance Guarantees?

Yes. The developer is required to submit an application for posting the performance guarantees. Depending on the requirements of the development project and the method of financial security that is chosen, a fee is charged for the preparation, review and processing of the documents. Please refer to [§ 78-201.2\(c\)](#) for a description of the fees.

Are the Performance Guarantees refundable, and if so, when?

Performance Guarantees are refundable upon satisfactory completion of the development project. Release of the performance guarantee for public improvements will follow the method established in [§ 78-204.1\(h\)](#).

Please refer to [§ 78-204.1\(h\)](#) for a detailed description of the release procedures for private improvements.

Need more information?

Have a question regarding required permits, the permit process, or application requirements? Call 703-787-7380 or e-mail community.development@herndon-va.gov to make an appointment to see a member of the Department of Community Development.

Have a question regarding Building Permits or construction codes? Call 703-435-6850 or e-mail building.inspections@herndon-va.gov to make an appointment to see the Building Official.

Visit the Planning/Zoning page of the Town's web site at www.herndon-va.gov to view the Community Development web site for the Zoning Ordinance User Guide series or to access the town code. Town offices are located at the Herndon Municipal Center at 777 Lynn Street, Herndon, Virginia, 20170.

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